



In the Matter of:

WAYNE E. NICKERSON,

ARB CASE NO. 97-030

COMPLAINANT,

ALJ CASE NO. 96-TSC-9

v.

DATE: June 30, 1997

CORRPRO COMPANIES, INC,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

FINAL DECISION AND ORDER

This case arises under the Toxic Substances Control Act, 15 U.S.C. § 2622 (1988), Water Pollution Control Act, 33 U.S.C. § 1367 (1988), Clean Air Act, 42 U.S.C. § 7622 (1988), and Solid Waste Disposal Act, 42 U.S.C. § 6971 (1988). On January 26, 1996 Complainant Wayne E. Nickerson (Nickerson) filed a complaint with the Wage and Hour Division, United States Department of Labor, alleging that on July 6, 1995, he was discriminatorily discharged by Respondent Corrpro Companies, Inc. (Corrpro) for raising various safety concerns. His claim was found to be without merit. Nickerson appealed his case to the Department of Labor's Office of Administrative Law Judges (ALJ). Corrpro submitted to the ALJ a Motion for Summary Dismissal based upon the fact that approximately six months transpired between the date of employment termination and the date of the complaint. On December 10, 1996, the ALJ issued a Recommended Decision and Order (R. D. and O.) recommending that Corrpro's motion be granted.

The record in this case has been thoroughly reviewed. The findings of fact set out in the R. D. and O. are supported by substantial evidence and are therefore adopted. Further, the ALJ's conclusions of law are fully supported by the applicable law and the record evidence.

Accordingly, the R. D. and O. is accepted (copy attached) and the complaint in this case is **DENIED**.

SO ORDERED.

DAVID A. O'BRIEN
Chair

KARL J. SANDSTROM
Member

JOYCE D. MILLER
Alternate Member